

E N D O R S E M E N T

UNITED STATES OF AMERICA v. JAMIE EDELKIND
04-cr-10066-MEL

LASKER, D.J.

On March 8, 2005, Jamie Edelkind ("Edelkind") was convicted by a jury of Counts One through Four of the Information (bank fraud in violation of 18 U.S.C. § 1344). Also on March 8, 2005, Edelkind waived his right to have the jury determine forfeiture in this action and requested that the Court withhold any decision regarding forfeiture until sentencing in this case, which is scheduled for June 20, 2005. At that time, the United States agreed to Edelkind's request.

However, the United States now has concerns about the immediate care and maintenance of the property and buildings located at 940 Nantasket Avenue in Hull, Massachusetts, and therefore requests a preliminary order of forfeiture prior to sentencing. As a result of Edelkind's conviction for violations of 18 U.S.C. § 1344, the United States seeks forfeiture of any real or personal property which constitutes or is derived from proceeds traceable to one or more of the offenses. Such property includes, but is not limited to: (1) the real property and buildings located at 940 Nantasket Avenue in Hull, Massachusetts, and recorded at the Plymouth Country Register of Deeds, Book 19257, page 118; (2) Sovereign Bank Official Check number 4294126, in the amount of \$569,878.93, and all proceeds thereto; and (3) check number 22768, in the amount of \$9,926.80, drawn on a JP Morgan Chase account held in the name of Fairmont Funding, Ltd. and made payable to Linda Edelkind, dated September 27, 2004, and all proceeds traceable thereto.

Based on Edelkind's conviction, and pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the United States' motion for a preliminary order of forfeiture is GRANTED.

Additionally, Edelkind's motion to dismiss the forfeiture allegations is DENIED substantially for the reasons set forth in the United States' Opposition to Edelkind's motion.

It is so ordered.

Dated: June 1, 2005
Boston, Massachusetts

/s/ Morris E. Lasker
U.S.D.J.